

Attorney Docket No.: 5723-200255
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick L. Bixler et al. Confirmation No. 5482
Serial No.: 10/752,074 Senior Attorney: Paul Shanoski
Filed: January 5, 2004
For: Tamper Indicating Closure With Foldable Tab

Renewed Petition Under 37 CFR §§ 1.47(a), 1.48(a) and Petition Under 37 CFR § 1.183.

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Attention: Paul Shanoski (Senior Attorney)

Sir:

This is in response to the 04 September 2007 Decision On the Petitions under 37 CFR §§ 1.183, 1.47 and 1.48.

Petition re § 1.183

The Decision states (at page 2) that “Petitioner has established that Mr. Coners has refused to execute the declaration.” Accordingly, with respect to Mr. Coners, the requirements appear to have been met.

The Decision further states (at page 3) that, that “Petitioner has again failed to describe the search, provide a showing detailing the attempts that were made to locate Mr. Rochow, or provide a print-out of either the search terms or the search results.”

In response to the Decision another attempt to reach Mr. Rochow was performed and the undersigned counsel for applicants recently located Mr. Rochow, forwarded a copy of the application, declaration, return envelope and letter requesting he review the papers and sign the declaration and return it. The signed declaration was received in the return envelope and a copy of the declaration signed by Mr. Don Rochow is submitted with this renewed petition. In view

of Mr. Rochow's signature on the declaration, the need "to provide details of the efforts to locate the non-signing inventor" is now moot.

For all of the above reasons, granting of the petition under § 1.183 is, respectfully, requested.

Petition re § 1.47(a)

The petition under § 1.47(a) stands dismissed in the Decision because "Petitioner has failed to provide details of the efforts to locate the non-signing inventor". Thus, the deficiency with regard to § 1.47(a) is the same as with respect to § 1.183. For the reasons noted above, the § 1.183 petition is grantable and, therefore, the § 1.47(a) petition should also be grantable.

Petition re § 1.48

The petition under § 1.48 stands dismissed in the Decision because "Petitioner has failed to comply with Rule § 1.48(a)(3). In view of the present submission of the declaration signed by Mr. Don Rochow and the grantability of the petitions under §§ 1.47 and 1.183, it is submitted that applicants have complied with all of the provisions for grant of the petitions under § 1.48.

A decision granting applicants' petitions under §§ 1.47, 1.48 and 1.183 is, respectfully, requested.

If any matter needs further clarification or supplement the Senior Attorney is invited to contact the undersigned via telephone so that the matter can be promptly addressed.

Please charge any necessary petition fee and any additional fees for this petition and correction of the application to the deposit account of Barnes & Thornburg 10-0435 (5723-200255).

Respectfully submitted,

BARNES & THORNBURG LLP



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